AFFIDAVIT OF ATF SPECIAL AGENT SHERVIN DHANANI

I, Special Agent Shervin Dhanani, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). I have been employed as an ATF Special Agent since August, 2015 and I was previously employed as a Special Agent with the Diplomatic Security Service ("DSS") since January, 2009. As an ATF Special Agent, I am currently assigned to the Boston Group II Field Office and my duties include, among other things, the investigation of violations of laws related to firearms trafficking, firearm possession by prohibited persons, the use of firearms in drug trafficking crimes, and the investigation of violations of laws related to explosives violations and incendiary (arson) fires. I am a graduate of the ATF National Academy and of the Federal Law Enforcement Training Center.

2. During my law enforcement career, I have participated in investigations involving firearms and drug trafficking, firearms possession by prohibited persons, the use of firearms in furtherance of drug trafficking crimes, passport and visa fraud, and aggravated identity theft, many of which have occurred in Massachusetts.

3. Based on my training and experience, I am aware that Title 18, United States Code, Section 922(g)(1) and (g)(8) make it a federal offense for certain individuals to possess a firearm in or affecting interstate commerce, namely, any individual who has previously been convicted of a crime punishable by imprisonment of a term exceeding one year and any individual who is subject to a court order that restrains the individual from harassing, stalking, or threatening an intimate partner or child of that individual.

4. Based on my training and experience, I also know that it is a violation of Title 18, United States Code, Section 922(a)(1)(A) and (B) for any person who is not licensed to deal, import or manufacture firearms and ammunition to willfully engage in the business of dealing, importing or manufacturing firearms and ammunition.

5. Having so stated, I make this affidavit in support of a criminal complaint charging JEFFREY JOSEPH with illegally possessing firearms and engaging in the business of dealing in firearms and ammunition without a license.

6. The statements contained in this affidavit are based on my participation in this investigation, conversations with other ATF agents involved in the investigation, and on information provided to me by officers of the Boston Police Department ("BPD"). This affidavit is submitted for the limited purpose of establishing probable cause to believe that JOSEPH violated 18 U.S.C. §922(g)(1) and (8), and 18 U.S.C. §922(a)(1)(A) and (B). It therefore does not set forth all of the information that I and other law enforcement personnel have obtained during the course of the investigation.

7. This investigation was developed through firearm and ammunition purchases and observations by a Cooperating Witness ("CW") coupled with information that fellow investigators and I have developed during the conduct of the investigation.

CONTROLLED PURCHASES OF FIREARMS

8. The CW has provided specific information about an individual engaged in criminal activity. The CW identified the individual as "Dutchess," and described him as a black male, early 30's, 6' in height, medium build, shaved head with facial hair (later positively identified as JEFFREY JOSEPH, date of birth xx/xx/85, and hereinafter referred to as "JOSEPH"). According to the CW, JOSEPH is an active crack cocaine dealer who possesses

and sells multiple firearms. The CW said he/she could make controlled purchases of crack cocaine and firearms from JOSEPH.

9. The CW said JOSEPH uses a cellular telephone, number of (857) 417-7124, in order to facilitate his drug and firearms activities. The CW knows buyers to telephone JOSEPH at this number.

10. Upon reviewing JOSEPH's criminal history, I learned that he currently has or previously had at least six civil restraining orders from at least four individuals, has been arrested at least eighteen times with at least ten convictions, at least two of which are felonies.

THE SEPTEMBER 7, 2016 SALE OF A FIREARM BY JOSEPH TO THE CW

11. On September 7, 2016, at a prearranged location, fellow investigators and I met with the CW and planned for an undercover operation involving the controlled purchase of a crack cocaine and a firearm from JOSEPH. At our direction, the CW had been in telephone communication with JOSEPH and arranged for a firearm transaction to occur at the CW's residence. Prior to the CW going to meet JOSEPH, we searched the person of the CW, finding no contraband, and equipped him/her with a transmitting device (body wire) and an audio/video recording device. We provided the CW with government money to be used to purchase a firearm from JOSEPH.

12. We then drove the CW to an area in close proximity to his/her residence and then directed the CW to walk directly to his/her apartment. Shortly before 7:00 pm, the CW arrived in his/her apartment.

13. Shortly after 7:00 pm, JOSEPH called the CW and told him/her that he was downstairs. The CW then proceeded downstairs where JOSEPH was waiting outside the CW's apartment building. The CW opened the building door for JOSEPH. JOSEPH was seen wearing

the same red shirt and jean shorts that he was seen wearing one hour earlier by investigators during surveillance. Once in the hallway, JOSEPH handed the CW a silver and black semi-automatic pistol with six rounds of 9 mm ammunition. JOSEPH told the CW that the firearm was loaded. The CW handed JOSEPH $900 dollars of government money which JOSEPH then counted. JOSEPH told the CW that he had additional firearms in the vehicle that he arrived in that he would eventually sell.

14. Immediately after the transaction, JOSEPH exited the CW's apartment building and was observed by the CW and several surveillance units (including Special Agents Keltar Mui, Peter Kelley, Michael Romeo, Brian Higgins and Boston Police Sergeant John Broderick) wearing a red shirt and red hat and entering the front passenger seat of a blue Lexus sedan bearing license plate number to be: 6WEC40 (MA).

15. The CW left his/her apartment with the firearm and ammunition that he/she had just purchased from JOSEPH, and then walked back to a pre-designated location and met investigators for evidence transfer. Special Agent Shibley searched the person of the CW, finding no contraband. The CW handed to us the firearm and a magazine with the ammunition that he/she had just purchased from JOSEPH. The firearm, ammunition and the audio/video recordings of the transaction were processed as ATF evidence.

16. On September 15, 2016, I learned from a query through the ATF National Tracing Center that the firearm that the CW purchased from JOSEPH was purchased in Columbia, South Carolina in April, 2016.

THE SEPTEMBER 12, 2016 SALE OF TWO FIREARMS AND AMMUNITION BY JOSEPH TO THE CW

17. On September 12, 2016 at approximately 3:00pm, I directed the CW to place a recorded phone call to JOSEPH in my presence at phone number: (857)417-7124 to follow up on

a firearm purchase that he/she and JOSEPH had previously discussed. During the phone call, JOSEPH indicated that an associate of his had two firearms for sale, one of which was a revolver. The CW asked if he/she could have a discount on the purchase since he/she was buying two firearms and JOSEPH told the CW that he would contact the seller and call the CW back.

18. Several minutes after the phone call, JOSEPH called the CW back and stated that the seller wanted approximately $1875 for the sale of the two firearms. JOSEPH asked the CW to proceed to O'Reilly Way in Charlestown to meet JOSEPH and purchase the firearms. The CW stated that he/she would be there at approximately 5:00pm that same day. At approximately 4:30pm, JOSEPH called the CW and stated that the seller of the firearms was on his way to Charlestown.

19. On that same date, at a prearranged location, fellow investigators and I met with the CW and planned for an undercover operation involving the controlled purchase of two firearms from JOSEPH. Prior to the CW going to meet JOSEPH, we searched the person of the CW, finding no contraband, and equipped him/her with a transmitting device (body wire), an audio/video recording device and provided him/her with an ATF undercover vehicle equipped with an audio/video recording device and audio transmitting device. We provided the CW with government money to be used to purchase two firearms from JOSEPH.

20. On that same date shortly before 5:00 pm, the CW departed the staging location in the ATF undercover vehicle and proceeded to O'Reilly Way in Charlestown while being monitored by surveillance units. Over the next hour, the CW and JOSEPH had contact telephonically and JOSEPH indicated several times that the seller of the firearms was on his way. At around 6:15 pm, the CW parked his/her vehicle on O'Reilly Way. Several minutes later,

JOSEPH appeared with a Starbucks shopping bag (which was later determined to contain two handguns and seventeen rounds of ammunition) and handed it to the CW in exchange for $1900 of government funds.

21. The CW departed O'Reilly Way following the transaction and drove directly to a pre-designated location and met me and other investigators for evidence transfer. We searched the person of the CW, finding no contraband. The CW handed to me: one handgun loaded with a magazine containing twelve rounds of ammunition, a second unloaded handgun, and five additional rounds of ammunition, all of which he/she had just purchased from JOSEPH. The firearms, ammunition and the audio/video recordings of the transaction were processed as ATF evidence.

22. On September 14, 2016, I queried the National Crime Information Center database using the serial numbers and make/models of both firearms purchased by the CW. I learned through this query and through subsequent follow-up that one of the firearms purchased by the CW was a stolen duty weapon of a police officer in Columbia South Carolina from 2013.

23. On September 17, 2016, I learned from a query through the ATF National Tracing Center that the second firearm was stolen from a Federal Firearms Licensee in Massachusetts in 2012 along with thirty-two other firearms.

THE SEPTEMBER 26, 2016 SALE OF TWO FIREARMS AND AMMUNITION BY JOSEPH TO THE CW

24. On September 26, 2016 at a prearranged location, fellow investigators and I met with the CW and planned for an undercover operation involving the controlled purchase of two firearms and ammunition from JOSEPH. At our direction, the CW had been in telephone communication with JOSEPH and had arranged for a firearm transaction to occur in an ATF undercover vehicle that the CW would be driving. Prior to the CW going to meet JOSEPH, we

searched the person of the CW, finding no contraband, and equipped him/her with a transmitting device (body wire), an audio/video recording device and provided him/her with an ATF undercover vehicle equipped with an audio/video recording device and audio transmitting device. We provided the CW with government money to be used to purchase two firearms from JOSEPH.

25. At approximately 4:15pm, the CW departed the staging location in the ATF undercover vehicle and proceeded to O'Reilly Way in Charlestown while being monitored by surveillance units. The CW then parked the vehicle on O'Reilly Way. Several minutes later, JOSEPH approached the driver's side of the ATF UC vehicle arriving on foot and handed the CW a Bath and Body Works shopping bag (later confirmed to contain two handguns, sixty-five rounds of ammunition and a firearm holster); the CW then handed JOSEPH $2000 of government money. JOSEPH immediately departed the location on foot.

26. The CW departed O'Reilly Way following the transaction and drove directly to a pre-designated location and met investigators for evidence transfer. The investigators searched the person of the CW, finding no contraband. The CW handed to me: two handguns (both from which the CW had removed the magazines), sixty-five total rounds of ammunition, and a firearm a holster, all of which he/she had just purchased from JOSEPH. The firearms, ammunition, holster, and the audio/video recordings of the transaction were processed as ATF evidence.

THE OCTOBER 3, 2016 SALE OF TWO FIREARMS AND AMMUNITION BY JOSEPH TO THE CW

27. On October 3, 2016 at a prearranged location, fellow investigators and I met with the CW and planned for an undercover operation involving the controlled purchase of two firearms and ammunition from JOSEPH. At our direction, the CW had been in telephone communication with JOSEPH and had arranged for a firearm transaction to occur in an ATF

undercover vehicle that the CW would be driving. Prior to the CW going to meet JOSEPH, we searched the person of the CW, finding no contraband, and equipped him/her with a transmitting device (body wire), an audio/video recording device and provided him/her with an ATF undercover vehicle equipped with an audio/video recording device and audio transmitting device. We provided the CW with government money to be used to purchase two firearms from JOSEPH.

28. On that same date at approximately 4:05pm, the CW departed the staging location in the ATF undercover vehicle. Several minutes later, the CW arrived on O'Reilly Way and parked the vehicle. JOSEPH met the CW in the street while they waited for the delivery of the firearms. While they were waiting, JOSEPH indicated to the CW that the seller of the firearms lives in Everett.

29. At approximately 5:00pm, JOSEPH then began walking north away from O'Reilly Way towards Walford Way, indicating to the CW that he was going to pick up the firearms.

30. Several minutes later, the CW called JOSEPH on his cellular phone and JOSEPH indicated that he was on his way back to the CW's location on O'Reilly Way. Moments later, JOSEPH walked back onto O'Reilly Way from the direction of Walford Way holding a brown paper bag. JOSEPH then placed the brown paper bag in the ATF undercover vehicle and briefly showed the CW two firearms and ammunition inside the bag. The CW then handed JOSEPH $2060 of government money and JOSEPH sat inside the ATF undercover vehicle to count the money. Shortly before 5:15pm, JOSEPH departed with the money and the CW then departed in the ATF UC vehicle.

31. Following the controlled purchase, the CW drove directly to a pre-designated location and met investigators for evidence transfer. We searched the person of the CW, finding no contraband. The CW handed to me: two handguns and thirty-five total rounds of ammunition which he/she had just purchased from JOSEPH. The firearms, ammunition, and the audio/video recordings of the transaction were processed as ATF evidence.

32. On October 4th, 2016, I queried the National Crime Information Center database which listed one of the firearms that the CW purchased from JOSEPH as reported stolen to the Richland County, South Carolina Sheriff's Office in July, 2016.

33. On October 6th, 2016, I learned from a query through the ATF National Tracing Center that the second firearm was traced to a firearm purchase in Panama City, Florida in March, 2016.

THE OCTOBER 21, 2016 ATTEMPTED PURCHASE OF TWO FIREARMS BY THE CW FROM JEFFREY JOSEPH AND THE SUBSEQUENT INTERVIEW OF JOSEPH

34. On October 21, 2016 at a prearranged location, fellow investigators and I met with the CW and planned for an undercover operation involving the controlled purchase of two firearms and ammunition from JOSEPH. At our direction, the CW had been in telephone communication with JOSEPH and arranged for a firearm transaction to occur in an ATF undercover vehicle that the CW would be driving. Prior to the CW going to meet JOSEPH, we searched the person of the CW, finding no contraband, and equipped him/her with a transmitting device (body wire), an audio/video recording device and provided him/her with an ATF undercover vehicle equipped with an audio/video recording device and audio transmitting device. We provided the CW with government money to be used to purchase two firearms from JOSEPH.

35. On that same date shortly after 12:15pm, the CW departed the prearranged location in the ATF undercover vehicle and arrived at the parking lot adjacent to 10 McNulty Court, Charlestown, MA. At approximately 12:25pm, JOSEPH approached the CW with an unknown male and handed the CW a shopping bag in exchange for $2000 of government money from the CW. After JOSEPH and his associate departed, the CW learned shortly afterwards that the shopping bag given to him/her did not contain any firearms and only contained a rock.

36. Several minutes later during the operation, Group Supervisor Crowley requested that all units attempt to locate JOSEPH and the $2000 of government money provided to him by the CW. Shortly before 12:30pm, Group Supervisor Crowley, SA Kelly, and Boston Police Officer Supry located JOSEPH who fled from investigators. After several minutes, agents and officers were able to detain him and recover $2000 of funds on his person.

37. At approximately 2:00pm, JOSEPH agreed to an interview by Special Agents Daniel Campbell and Peter Kelly at Boston Police Station A-15 after he acknowledged his understanding of his Miranda rights. During the interview, JOSEPH confessed to having stolen $2000 from the CW while pretending to sell him/her a firearm. JOSEPH also confessed to investigators that he robs drug dealers. At the conclusion of the interview, JOSEPH departed Boston Police Station A-15.

CORROBORATION OF INFORMATION PROVIDED TO INVESTIGATORS BY JOSEPH AND BY THE CW

38. Throughout the course of the investigation, the CW indicated that the phone number on which he/she was contacting JOSEPH to arrange firearms and narcotics purchases is: (857)417-7124. On October 27, 2016, Special Agent Shibley and I received subscriber information and call records for the aforementioned phone number from July 1, 2016 through September 29, 2016. The subscriber for the phone number is listed as Jeffrey JOSEPH.

REVIEW OF JOSEPH'S CRIMINAL RECORD

39. I have reviewed JOSEPH's criminal record as maintained by the Massachusetts Criminal History Systems Board. It revealed, among other things, that JOSEPH was convicted in Dorchester District Court of Assault and Battery with a Dangerous Weapon on two separate occasions in 2013. Based on my training and experience, I know that these crimes are punishable by a term of imprisonment exceeding on year under Massachusetts law.

40. I also learned that JOSEPH was issued a civil restraining order on August 15, 2016 which orders him to stay 150 yards away from Julia Carrion in Roxbury, Massachusetts. This order expires on September 26, 2017.

FIREARMS INTERSTATE NEXUS DETERMINATION

41. On November 8, 2016, Special Agent Mattheu Kelsch, a certified ATF firearm interstate nexus expert, researched the firearms and ammunition involved in the investigation of Jeffrey JOSEPH for purposes of determining classification under Title 18 U.S.C., Chapter 44 and whether they have moved in interstate or foreign commerce. The examination was conducted at the ATF Boston Field Division Office. During the examination, SA Kelsch examined the firearm markings which include but are not limited to the serial number, name of the manufacturer, model, caliber or gauge, and also, when applicable, the importer.

42. SA Kelsh concluded that the firearms purchased by the CW from JOSEPH are a "firearm" as defined in Title 18, United States Code (USC), Chapter 44, Section 921(a)(3), and the firearms, or a part thereof which itself constitutes a firearm, were not manufactured in the Commonwealth of Massachusetts.

43. SA Kelsh also concluded that the ammunition purchased by the CW from JOSEPH are “ammunition” as defined in Title 18, USC, Chapter 44, Section 921(a)(17)(a), and were not manufactured in the Commonwealth of Massachusetts.

44. SA Kelsh indicated in a report dated November 6, 2016, that it is his opinion that if these firearms and ammunition were received and/or possessed in the Commonwealth of Massachusetts, they traveled in or affected interstate and/or foreign commerce.

CONCLUSION

45. I submit that there is probable cause to believe that on or about October 3, 2016, JEFFREY JOSEPH, having been previously convicted of a crime punishable by a term of imprisonment exceeding one year, and having been subject to a court order that restrains him from harassing, stalking, or threatening an intimate partner or child, did possess, in and affecting interstate commerce, firearms, to wit, one Bersa, model Thunder 380, .380 caliber, pistol, serial number 808797 and one Smith & Wesson, model SD9 VE, 9 millimeter pistol, serial number FXN9671, in violation of Title 18, United States Code, Section 922(g)(1) and (8).

46. I further submit that there is probable cause to believe that, between on or about September 7, 2016 and on or about October 3, 2016, JEFFREY JOSEPH willfully engaged in the business of dealing firearms and/or ammunition without a license in violation of Title 18, United States Code, Section 922(a)(1)(A) and (B).

I declare that the foregoing is true and correct to the best of my knowledge and belief.

SHERVIN DHANANI
SPECIAL AGENT, ATF

Subscribed and sworn to before me
this 30 day of November, 2016

HON. DONALD L. CABELL
UNITED STATES MAGISTRATE JUDG